

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

KAREN A. AUDET,

Plaintiff,

VS.

**MICHAEL J. ASTRUE,
COMMISSIONER, SOCIAL
SECURITY ADMINISTRATION,**

Defendant.

CASE NO. 4:08CV3220

MEMORANDUM AND ORDER

This matter is before the Court on the motion for attorney fees (Filing No. 22) filed by the Plaintiff, Karen A. Audet. The motion is filed under the Equal Access to Justice Act (“EAJA”), 28 U.S.C. § 2412(d), and is supported by a brief and an itemization of services submitted by Mary Stoughton Wenzl, attorney for the Plaintiff (Filing No. 23). The Court also notes the response submitted by the Defendant, the Commissioner of Social Security (Filing No. 25).

This Court entered Judgment reversing this matter and remanding the case for further proceedings. The Court directed the Secretary to waive overpayments made to Audet. The Plaintiff's attorney filed a timely application for attorney fees and costs. The total amount requested is \$4,240.00 (42.4 hours at \$100.00 per hour) and \$350.00 in costs representing the filing fee. The Commissioner does not contest the requested amount. After reviewing the record, the briefs, the affidavits, and the applicable law, the Court determines that the request is appropriate.

IT IS ORDERED:

1. The Plaintiff's motion for attorney fees (Filing No. 22) is granted; and
2. The Plaintiff is awarded attorney fees and costs in the following amounts:

- a. a fee award of \$4,240.00, payable to Mary Stoughton Wenzl, Plaintiff's attorney;
- b. an award of costs in the amount of \$350.00 payable to Mary Stoughton Wenzl, Plaintiff's attorney, from the Judgment Fund administered by the Treasury Department.

DATED this 30th day of September, 2009.

BY THE COURT:

s/Laurie Smith Camp
United States District Judge